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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,909	03/29/2001	Masasuke Kawasaki	DSGN:002USMTG	7531

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FULBRIGHT & JAWORSKI L.L.P.  
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AUSTIN, TX 78701

EXAMINER

SINGH, SUNIL

ART UNIT PAPER NUMBER

3673

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/823,909

Applicant(s)

KAWASAKI, MASASUKE

Examiner

Sunil Singh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 20 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 10, 12, 13, 15-20, 22, 23, 40-51, 54, 55, 67, 68, 70, 71 and 84-86 is/are pending in the application.
- 4a) Of the above claim(s) 10, 67 and 68 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4, 12, 13, 15-20, 22, 23, 54, 55, 70 and 71 is/are allowed.
- 6) ☒ Claim(s) 40-51, 84-86 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 85-86 are rejected under 35 U.S.C. 102(b) as being anticipated by British document (GB 2175257).

British document a system useful in stabilizing a vessel, the vessel including a first leg (2), a second leg, a third leg (see page 1 line 15+), and a platform (1) coupled to the first, second, and third legs such that the platform may be raised or lowered along the first, second and third legs, the system comprising: a first brace (8,9,20,25) coupled to the first leg at a first location along the first brace, the first brace forming an acute angle with the first leg; and an anchoring structure (10,11,12,21,22, 24,26,27, the end portions of member (1)) coupled to the first brace at a second location along the first brace, the first and second locations along the first brace defining a first brace length between them; wherein at least a portion of the first brace length is located directly beneath the platform. The legs have racks (see Fig. 1) and the holding rack (5) configured to engage one of the one or more racks (see US Patent 4270877 for such notoriously old and conventional rack and rack holding means). The anchoring structure (12, see Fig. 3) can be tensioned independently by controlling stopper 17 and wedge 18 at ones discretion.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 84 is rejected under 35 U.S.C. 103(a) as being unpatentable over British document '257 in view of Hunsucker (US 2612025).

British document '257 discloses the invention substantially as claimed. However, British document is silent about the brace being coupled at two different locations to the leg with a footing wherein one of the two locations being on the footing structure.

Hunsucker teaches a brace (46) being coupled at two different locations (see Figures 3,4,8,16) to a leg (25) with the footing (see the lower portion of Figure 6, e.g. members 32,100,37) wherein one of the two locations being on the footing structure. It would have been considered obvious to one of ordinary skill in the art to modify British document to include the footing structure and means for connecting to the brace as taught by Hunsucker in order to adequately anchor the structure to the seabed.

5. Claims 40, 41, 43-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over British document in view of Hunsucker (US 2612024)

British document discloses the invention substantially as claimed. However, British document '257 is silent about the means for tensioning the brace to achieve 40,000

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pounds of tension. Hunsucker '024 teaches means for tensioning a brace (see col. 7).

It would have been considered obvious to one of ordinary skill in the art to modify British document '257 to include the tensioning means as taught by Hunsucker in order to further control the tension of the brace and thus the rigidity of the structure. With regards to the 40,000 pound limitation, it should be noted that depending on what amount of load (e.g. lateral wave or wind load) one is interested in resisting, then the amount of tensioning needed would be chosen accordingly.

With regards to claim 51, it would have been considered obvious to one of ordinary skill in the art to modify the British document by substituting truss type legs for the legs disclosed by British document since this is a mere design choice. It should be noted that it is well established in the art that truss type platform legs are notoriously old and conventional.

6. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over British document in view of Hunsucker '024 as applied to claim 40 above, and further in view of either Thomas '798 or Hansen (US 4063426) or Hornsby et al. (US 2892314).

British document (once modified) discloses the invention substantially as claimed.

However, the (once modified) British document lacks protrusions on his footings.

Thomas, Hansen and Hornsby et al. all teach protrusions of footings (see Figs. 1, 8, 4 respectively). It would have been considered obvious to one of ordinary skill in the art to further modify the (once modified) British document '257 by making his footings have protrusions as taught by either Thomas or Hansen or Hornsby et al. in order to more efficiently anchor they system.

***Response to Arguments***

7. Applicant's arguments with respect to claims 40 and 84 have been considered but are moot in view of the new ground(s) of rejection.

8. Applicant's arguments filed 7/20/06 with regards to claims 85 and 86 have been fully considered but they are not persuasive. With regards to claims 85-86, each brace can be tensioned independently since brace (8,9) each have their own anchoring structure. The anchoring structure (12, see Fig. 3) **can** be tensioned independently by controlling stopper 17 and wedge 18 at ones discretion.

***Allowable Subject Matter***

9. Claims 1-4, 12-13, 15-20,22-23,54-55,70-71 are allowed.

***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunil Singh whose telephone number is (571) 272-7051. The examiner can normally be reached on Monday through Friday 10:30 AM - 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Engle Patricia can be reached on (571) 272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sunil Singh  
Primary Examiner  
Art Unit 3673



SS   
10/01/06